

SENATE BILL 926

P2, M1

8lr3244
CF HB 1512

By: **Senator Astle**

Introduced and read first time: February 20, 2008

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 3, 2008

Committee Report: Favorable

Senate action: Adopted

Read second time: March 21, 2008

CHAPTER _____

1 AN ACT concerning

2 **Procurement – Chesapeake Bay Trust – State Contracts and Grants**

3 FOR the purpose of providing that the State procurement law does not apply to a
4 contract or grant from a unit of State government to the Chesapeake Bay Trust
5 for certain projects; providing that the State procurement law applies to certain
6 expenditures by the Trust; excepting units of State government from a
7 requirement under certain circumstances that the units adopt certain
8 procurement policies and procedures; and generally relating to the application
9 of the State procurement law to State contracts and grants awarded to the
10 Chesapeake Bay Trust.

11 BY repealing and reenacting, without amendments,

12 Article – Natural Resources

13 Section 8–1901

14 Annotated Code of Maryland

15 (2007 Replacement Volume)

16 BY repealing and reenacting, with amendments,

17 Article – Natural Resources

18 Section 8–1909

19 Annotated Code of Maryland

20 (2007 Replacement Volume)

21 BY repealing and reenacting, without amendments,

22 Article – State Finance and Procurement

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 11-202
2 Annotated Code of Maryland
3 (2006 Replacement Volume and 2007 Supplement)

4 BY adding to
5 Article – State Finance and Procurement
6 Section 11-203(g)
7 Annotated Code of Maryland
8 (2006 Replacement Volume and 2007 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article – State Finance and Procurement
11 Section 12-401(a)
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2007 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Natural Resources**

17 8-1901.

18 There is a Chesapeake Bay Trust established to promote public awareness and
19 participation in the restoration and protection of the water quality and aquatic and
20 land resources of the Chesapeake Bay and other aquatic and land resources of the
21 State.

22 8-1909.

23 (a) Except as provided in subsection (b) of this section, in exercising its
24 powers, the Trust:

25 (1) Is exempt from the provisions of the State Finance and
26 Procurement Article, the provisions of Division I of the State Personnel and Pensions
27 Article that govern the State Personnel Management System, the provisions of
28 Division II and Title 37 of the State Personnel and Pensions Article, and the
29 provisions of Article 78A of the Code; and

30 (2) May carry out its corporate purposes without obtaining the consent
31 of any department, board, or agency of the State.

32 (b) The Trust is subject to the provisions of the State Finance and
33 Procurement Article and Article 78A of the Code to the extent of State appropriations
34 **OR CONTRACTS OR GRANTS FROM A UNIT OF STATE GOVERNMENT**, if any.

35 **Article – State Finance and Procurement**

1 11-202.

2 Except as otherwise expressly provided by law, this Division II applies to:

3 (1) each expenditure by a unit under a procurement contract;

4 (2) each procurement by a unit on behalf of another unit,
5 governmental agency, or other entity; and

6 (3) each procurement by a unit, even if a resulting procurement
7 contract will involve no expenditure by the State and will produce revenue for the
8 State, for services that are to be provided for the benefit of:

9 (i) State officials, State employees, or students at a State
10 facility, including a school, hospital, institution, or recreational facility;

11 (ii) clients or patients at a State hospital or State institution;

12 (iii) the public at a State recreational facility; or

13 (iv) the public at a State transportation facility or State higher
14 education facility, as required by the Board.

15 11-203.

16 **(G) THIS DIVISION II DOES NOT APPLY TO A CONTRACT OR GRANT**
17 **AWARDED BY A UNIT OF STATE GOVERNMENT TO THE CHESAPEAKE BAY TRUST**
18 **FOR A PROJECT INVOLVING THE RESTORATION OR PROTECTION OF THE**
19 **CHESAPEAKE BAY AND OTHER AQUATIC AND LAND RESOURCES OF THE STATE.**

20 12-401.

21 (a) (1) Except as provided in paragraph (2) of this subsection, each unit
22 with an exemption from any provision of Division II of this article shall have written
23 policies and procedures for the exempted unit's procurements.

24 (2) This section does not apply to:

25 (i) § 11-203(a)(1)(iii) of this article;

26 (ii) § 11-203(a)(2) of this article; [or]

27 (iii) § 11-203(e) of this article; **OR**

28 **(IV) § 11-203(G) OF THIS ARTICLE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2008.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.